

III. In Person Interview

Applicants thank the Examiner for meeting with Applicant and Applicants' representatives on February 19, 2004. The claims and Passmore were discussed and the Examiner suggested a more detailed description of the elements of "filtering" and "prioritizing" should be distinguishable from the prior art of record.

IV. Rejections Under 35 U.S.C. § 102 and § 103

Claims 2, 4-6, 8, 12-15, 17, 22, 24, 26, 33, 34, 36, 38, 39, and 41 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,000,046 to Passmore. The Examiner contends that Passmore discloses all of the elements of the claimed invention, including prioritizing an error relative to other errors not yet resolved, filtering errors that require a different level of response, and providing an assistance option to a system element.

Claims 3, 11, and 27 stand rejected under 35 U.S.C. § 103(a) as obvious over Passmore and the Examiner's statement of ordinary skill in the art. Claims 9, 10, 16, 18, 21, 23, 28, 29, and 31 stand rejected under 35 U.S.C. § 103(a) as obvious over Passmore in view of U.S. Patent No. 5,666,481 to Lewis. Claims 19 and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable for obviousness over Passmore in view of U.S. Patent No. 5,983,364 to Bortcosh et al. ("Bortcosh"). Claims 20, 35, 37, 40 and 42 stand rejected under 35 U.S.C. § 103(a) as obvious over Passmore in view of U.S. Patent No. 5,748,880 to Ito et al. ("Ito").

Applicants have cancelled claims 3-6, 8-13, 15, 26, 29, 31, and 33-42 and amended claims 2, 14, 16-24, 27, 28, and 30 to depend on allowed claim 25. Applicants have rendered the above rejections moot and respectfully request the Examiner withdraw the rejections.

However, Applicants disagree with the Examiner's reading of Passmore. Passmore does not filter errors. Passmore only teaches and suggests presenting the first error first. "[S]ince all error messages are displayed by the error processor, the first error message received will be displayed first, and this error message is most likely the error message produced by the process that first discovered the error condition." Passmore, column 5, lines 53-58. First received, first displayed error handling does not assist in determining which errors require which responses, nor are the errors ranked by importance or sorted by any criteria. Processing errors in the order in which an error is received has no bearing on how or how soon, the error should be resolved. Applicants submit that listing errors in the order in which they are received, without examining anything about the error itself, is not filtering the errors as claimed. Passmore simply notes the errors in the order in which they are received.

Additionally, Passmore does not perform a step or action equivalent to "filtering". Passmore retrieves the error, formats the error for display, adds help information and displays the error message. *See*, Passmore, column 5, lines 27-34. None of the recited steps "filter" the errors. In contrast, the present invention performs a positive step of filtering the errors to determine a response category. Applicants submit that displaying is not filtering. Thus, Passmore does not teach or suggest filtering and cannot anticipate or render obvious the claimed invention.

Further, Applicants disagree with the Examiner argument that the term "filtering" can encompass "an all-pass filter", Office Action dated September 25, 2003, page 27. Applicants note

that an all-pass filter is a device used in circuit electronics and has no parallel in the software arts. Further, the definition of an all-pass filter, albeit not analogous to the software arts, is as follows: an “allpass filter passes all frequencies with equal gain. This is in contrast with a lowpass filter ... a highpass ... and a bandpass filter.” Center for Computer Research in Music and Acoustics (CCRMA), Stanford University (http://ccrma-www.stanford.edu/~jos/filters/All_Pass_Filter_Sections.html). By definition, an all-pass filter is somewhat of a misnomer. An all-pass filter does not filter, as defined in the claims, it is “most often used for matching phase ... in circuits that need to delay a signal”. *See*, Texas Instruments Semiconductor Technical Support, <http://www-k.ext.ti.com/SRVS/Data/ti/KnowledgeBases/analog/document/faqs/allp.htm>. Thus, even in the electronic arts an all-pass filter cannot and does not filter and cannot perform a “filtering” step.

Additionally, Applicants disagree with the Examiner’s statement that “Passmore goes further to select an error, the first, from all the errors”. Office Action dated September 25, 2003, page 27. Passmore does not actually select the first error, Passmore just displays the first errors first and displaying is not filtering.

Furthermore, Applicants submit that the Examiner is confusing one possible result of a filtering step with the act of filtering itself. The claims require the errors to be filtered to determine the appropriate response by the system. Applicants can envision a hypothetical result where each filtered error is assigned the same level of response, however, the claimed method is still filtering, i.e. testing, the errors to determine whether they actually do warrant the same level of response or not. Contrary to the claims is an all-pass filter which, by definition and as used by the Examiner, does not actually test or filter because it allows all the errors to pass, without examination, e.g. for

the type and severity of the errors. Thus, in a hypothetical case the results of the claimed filtering step and the Examiner's all-pass filter may be the same, but the claims recite an affirmative step not suggested or performed by either the prior art or the all-pass filter. The act of filtering is claimed and not the result of the filtering. Indeed, Passmore expressly teaches away from any filter by assuming the first error is always most important and by allowing the errors to pass in the order they occur. "[S]ince all error messages are displayed by the error processor, the first error message received will be displayed first, and this error message is most likely the error message produced by the process that first discovered the error condition." Passmore, column 5, lines 49-58.

In addition to not disclosing filtering, Passmore does not disclose or suggest prioritizing. Passmore's first received, first displaying of the errors is not an evaluation or indicator of the severity of the errors. The Examiner states that "[p]rioritizing in this case is broadly and reasonably interpreted as arranging to deal with in order of importance." Office Action dated September 25, 2003, page 28. Applicants submit that a first received, first displayed listing is not arranging, it is a default condition, akin to an alphabetical listing in a phone book. Just because Passmore assumes that the default condition will always yield the "root error", does not teach or suggest that errors should taken out of their received order and ordered by an assessment of the actual threat to the system. For example, an error that occurs later in time on a more crucial system may be more important than an earlier error from an application. "For example, the operating system or some primary program that manages many other programs [usually] are more crucial than their respective application programs or modules." Specification, page 8, line 20 to page 9, line 1. Contrary to Passmore, a mere listing in order of receipt does not list errors in the order of importance because, for example, the first error may be an error in an application and the second error may be an error in

